

REMARKS

Claims 15-34 are pending in the Office Action. Claims 1-14 have been cancelled. New claims 15-34 have been added; the new claims do not contain new matter and are merely representation of the subject matter of claims 1-14 in a form more compliant with the Office's present requirements. The subject matter of the claims is supported at least by claims 1-14 as originally filed.

The Examiner has stated that claims 11 and 12 are allowable (now claims 23 and 33). Additionally, claim 7 (reciting a claim element which is now present in claim 1 and 25) is not rejected; it is therefore presumed that claim 7 (now claims 1 and 25) is allowable.

I. IDS Submission

The applicants draw the Examiner's attention to the IDS submitted in the application on March 22, 2005. It is requested that the Examiner consider the references listed in the IDS, make them of record in the application, and return the initialed Form 1449 to the applicants with the next communication mailed.

II. Rejection Under 35 U.S.C. § 112

The Examiner has rejected claims 9 and 11 asserting that they contain terms that lack an antecedent basis. Claims 9 and 11 have been cancelled. It is believed that all terms in the new claims 15-34 are properly supported. According the Examiner's rejection is no longer applicable.

Withdrawal of the rejection is requested.

III. Rejection Under 35 U.S.C. § 102(b) in view of WO 02/34221, WO 99/62472, and WO 01/01942, Each Taken Individually

The Examiner has rejected claims 1-3, 8-10 and 13 as being anticipated by each of WO 02/34221 (the '221 reference) and WO 99/62472 (the '472 reference), considered individually.

The Examiner has rejected claims 1 and 10 as being anticipated by WO 019492 ("the '492 reference).

Claims 1-3, 8-10 and 13 have been cancelled; however, the applicants traverse each of the rejections should they be applied to new claims 15-34, as none of the three references relied upon teach all elements of the invention as claimed.

New claims 15-34 describe an oral care composition or method of tooth whitening that uses an oral care composition that contains, *inter alia*, a silicone-based pressure sensitive adhesive prepared by condensing a silicone resin and a polydiorganosiloxane. As discussed in a prior response, although each of the applied references may disclose use of a silicone polymer, each is silent on the use of a silicone-based pressure sensitive adhesive prepared by condensing a silicone resin and a polydiorganosiloxane. Because none of the '221 reference, the '472 reference or the '492 reference teaches at least this claim element, they do not anticipate the invention as claimed.

Accordingly, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. § 102(b).

III. Rejections Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 2-5, 7-10, 13, and 14 under 35 U.S.C. §103(a) as being unpatentable over various references taken individually or in combination. Specifically, the Examiner has rejected:

- (i) claim 13 as unpatentable in view of the '472 reference,
- (ii) claims 2 and 3 as unpatentable in view of the combination of the '472 reference and the '221 reference,
- (iii) claims 4 and 5 as unpatentable in view of the combination of the '472 reference and United States Patent No. 3,376,110 of Shiraeff ("Shiraeff"),
- (iv) claims 4 and 5 as unpatentable in view of the combination of the '221 reference and Shiraeff;
- (v) claims 7 and 10 as unpatentable in view of the combination of the '472 reference and United States Patent No. 5,232,702 of Pfister *et al.* ("Pfister"); and

The applicants traverse each of the rejections should they be applied to the new claims.

To establish a *prima facie* case that a combination of references or a modification of a reference renders an invention obvious, the Examiner must demonstrate: (i) that the combination teaches every element of the invention, (ii) that a person of skill in the art would have been motivated to make the combination, and (iii) that she would have had a reasonable expectation that the combination would be successful.

In the present case, the Examiner has failed to meet these elements in all seven asserted instances of obviousness. First, none of the combinations suggested or the individual modified references applied teach or suggest all elements of the inventions.

Specifically, for the reason detailed above and in applicants' prior responses, neither of the '472 or '221 references teaches or suggests an oral care composition that contains, *inter alia*, a silicone-based pressure sensitive adhesive prepared by condensing a silicone resin and a polydiorganosiloxane. Moreover, the addition of any of the secondary references (Shiraeff or Pfister, does not remedy this deficiency as neither disclose this specific type of silicone-based pressure sensitive adhesive.

For at least these reasons, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 103(a).

III. Conclusion

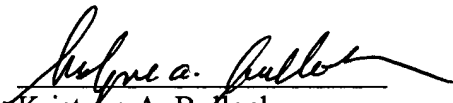
In view of the foregoing remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 112, § 102 and § 103. Allowance of the claims at the earliest opportunity is earnestly solicited.

Respectfully submitted,

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